

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

RICHARD ZELMA, *pro se*,

Plaintiff,

v.

JONATHAN SEIBERT, VISION SOLAR, LLC,  
d/b/a VISION SOLAR NJ, LLC, d/b/a VISION  
SOLAR FL, LLC, d/b/a ENERGY-XCHANGE,  
MARK GETTS, SOLAR XCHANGE, Inc., and  
TELEMARKETER[S] CALLING FROM (908)  
275-3308; (800) 746-7748; (818) 702-1899; and  
(609) 893-5078,

Defendants.

Case No.: 2:20-cv-20595-KM-ESK

**DEFENDANTS' STATUS LETTER**

Defendants, Jonathan Seibert, Vision Solar, LLC, Energy Xchange, Mark Getts, and Solar Xchange (collectively, “Defendants”) hereby submit this Status Letter in preparation for the status conference scheduled for May 7, 2021. Defendants intended for this letter to be a joint letter agreed to by all parties, which is what the Court ordered. *See* ECF Nos. 16 and 30. Defendants provided Plaintiff, Richard Zelma (“Zelma”) with a letter substantially identical to this submission and requested Mr. Zelma join in the letter and provide proposed edits or additions. Zelma declined to do so and advised that he intended to submit his own letter to the Court.

**I. STATUS OF DISCOVERY**

On March 5, 2021, Plaintiff served his written discovery requests on Defendants in the form of Interrogatories, Requests for Production of Documents, and Requests for Admissions less than 30 days prior to the stipulated close of discovery. Plaintiff petitioned the Court for an extension of the discovery deadlines, which the Court granted on March 29, 2021. *See* ECF No.

25. Afterward the parties agreed that the deposition of Zelma scheduled for April 1, 2021 would be rescheduled to a later date. The Parties further agreed to a stipulation to extend the discovery deadlines in this matter. *See* ECF No. 26. This Court amended the initial scheduling order and scheduled the close of factual on June 4, 2021. *See* ECF No. 27.

**A. Zelma's Discovery Responses to Discovery of Defendants**

On April 7, 2021, Vision Solar and Seibert propounded written discovery requests on Zelma. To date, Zelma has provided responses to Vision Solar's Request for Admissions only. Vision Solar and Seibert maintain that Zelma's responses are deficient due to non-responsiveness and untruthfulness. On April 28, 2021 Vision Solar sent a Rule 37 letter to Mr. Zelma requesting that he cure the deficiencies, which Mr. Zelma not yet done. Zelma's responses to Vision Solar and Seibert's Interrogatories and Request for Production of Documents are due on or before May 7, 2021.

**B. Vision Solar and Seibert Responses to Discovery of Zelma**

On April 5, 2021, Defendants Vision Solar and Seibert served timely answers to Plaintiff's Interrogatories, Request for Production of Documents, and Request for Admissions. Vision Solar and Seibert requested that all parties sign a mutually agreeable confidentiality stipulation which all parties signed on April 8, 2021. On April 30, 2021, Defendants produced confidential responsive documents to Zelma's Requests for Production of Documents.

**C. Solar Xchange, Energy Xchange, and Mark Getts Responses to Discovery of Zelma**

On April 13, 2021, Defendants Solar Xchange, Energy Xchange, and Getts served its answers to Plaintiff's written discovery.

**D. Depositions**

Depositions have not yet been noticed. Vision Solar and Seibert had previously noticed a deposition of Zelma scheduled for April 1, 2021, but agreed to reschedule that deposition based upon the extension of discovery deadlines.

## **II. PENDING MOTIONS**

Plaintiff filed a Motion to Deem Answers Admitted, *see* ECF No. 31. On May 3, 2021, Defendants timely responded to said motion two weeks prior to the motion day. *See* ECF Nos. 32, 33.

## **III. OTHER ISSUES TO BE ADDRESSED**

### **A. Issues Zelma Seeks to Address**

[Zelma declined to participate]

### **B. Issues Defendants Seek to Address**

On Monday May 3, 2021, Zelma sent a letter to lead counsels at Fox Rothschild, LLP, Colin Dougherty and Brett Berman. He also sent the letter to John Stubbs, Fox Rothschild's Chief Information Management and Compliance Officer. Mr. Stubbs is not an attorney. In his letter, Mr. Zelma's describes a laundry list of complaints that he characterizes as a "shit-show of undue delay and increased litigation costs." Defendants will address the fact that Mr. Zelma sent such a letter to a non-attorney administrator at Fox Rothschild, as Defendants contend such conduct serves no purpose other than to harass counsel and demonstrates an utter lack of civility.

Respectfully Submitted,

**Linden Law Firm, LLC**

By: /s/ Ari Linden

Print Name: Ari D. Linden

Date: May 4, 2021

*Attorney for Energy Xchange,  
Mark Getts, and Solar Xchnage*

**FOX ROTHSCHILD, LLP**

By: /s/ Colin Dougherty

Print Name: Colin D. Dougherty

Date: May 4, 2021

*Attorneys for Defendants Vision Solar and  
Jonathan Seibert*

**CERTIFICATE OF SERVICE**

I, Colin D. Dougherty, hereby certify that, on this date, I caused the foregoing document to be filed electronically with this Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document, upon the following:

Richard Zelma, *pro se*  
940 Blanch Avenue  
Norwood, NJ 076488  
*tcpalaw@optonline.net*

By: /s/ Colin D. Dougherty  
Colin D. Dougherty

Dated: May 4, 2021